

STATEMENT OF BASIS

as required by LAC 33:IX.3109, for draft **Louisiana Pollutant Discharge Elimination System Permit No. LA0122530; AI 1036; PER20030002** to discharge to waters of the State of Louisiana as per LAC 33:IX.2311.

The **permitting authority** for the Louisiana Pollutant Discharge Elimination System (LPDES) is:

Louisiana Department of Environmental Quality
Office of Environmental Services
P. O. Box 4313
Baton Rouge, Louisiana 70821-4313

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|-------------|--------------------------|--|
| I. | THE APPLICANT IS: | City of New Orleans
Gentilly Landfill "Type III" Construction & Demilition Debris Landfill
1340 Poydras St, Ste 750
New Orleans, LA 70112 |
| II. | PREPARED BY: | Angela Marse |
| | DATE PREPARED: | January 11, 2007 |
| III. | PERMIT ACTION: | LPDES permit <u>LA0122530</u> , AI <u>1036</u> ; <u>PER20030002</u>

LPDES application received: November 10, 2003

No previous permits. |

IV. FACILITY INFORMATION:

- A. The application is for the discharge of landfill wastewater from a construction and demolition debris landfill serving the New Orleans area.
- B. The facility is located at 10200 Almonaster Avenue in New Orleans, Orleans Parish.
- C. Currently, there is no treatment facility.
- D. Outfall 001

Discharge Location:

Latitude	30° 00' 33" North
Longitude	89° 58' 42" West

Description: wastewater associated with the operation of a construction/demolition debris landfill including contact stormwater and non-contact stormwater

Estimated Flow: varies with rainfall

Type of Flow Measurement: the facility plans to install a weir system

Outfall 002

Discharge Location: Latitude 30° 00' 34" North
Longitude 89° 58' 32" West

Description: wastewater associated with the operation of a construction/demolition debris landfill including contact stormwater and non-contact stormwater (as well as stormwater runoff from the white good storage area)

Estimated Flow: varies with rainfall

Type of Flow Measurement: the facility plans to install a weir system

Outfall 003

Discharge Location: Latitude 30° 00' 36" North
Longitude 89° 57' 52" West

Description: wastewater associated with the operation of a construction/demolition debris landfill including contact stormwater and non-contact stormwater

Estimated Flow: varies with rainfall

Type of Flow Measurement: the facility plans to install a weir system

V. RECEIVING WATERS:

The discharge is into an unnamed ditch along Almonaster Blvd, thence into the Intracoastal Waterway in segment 041401 of the Lake Ponchartrain Basin. This segment is listed on the 303(d) list of impaired waterbodies.

The designated uses and degree of support for Segment 041401 of the Lake Ponchartrain Basin are as indicated in the table below^{1/}:

Overall Degree of Support for Segment	Degree of Support of Each Use						
	Primary Contact Recreation	Secondary Contact Recreation	Propagation of Fish & Wildlife	Outstanding Natural Resource Water	Drinking Water Supply	Shell fish Propagation	Agriculture
Not Supported	Not supported	Not supported	Not supported	N/A	N/A	N/A	N/A

^{1/}The designated uses and degree of support for Segment 041401 of the Lake Ponchartrain Basin are as indicated in LAC 33:IX.1123.C.3, Table (3) and the 2004 Water Quality Management Plan, Water Quality Inventory Integrated Report, Appendix A, respectively.

Section 303(d) of the Federal Clean Water Act requires states to identify waterbodies that are not meeting water quality standards. A pollutant is any substance introduced into the waters of the state by any means that would tend to degrade or impair the chemical, physical, biological, or radiological integrity of such environment. Segment 041401 of the Lake Pontchartrain Basin is on the 303(d) list of impaired waters. The suspected causes of impairment are organic enrichment/low DO and pathogen indicators. Section 303(d) of the Federal Clean Water Act further requires that states develop TMDL (Total Maximum Daily Loading) Management Plans for waterbodies determined to be water quality limited.

To date no TMDLs have been completed for this waterbody. Pathogen indicators have been eliminated from the formulation of effluent limits. Construction and demolition debris landfill sites are not suspected source of pathogens. Low dissolved oxygen and organic enrichment are addressed in the paragraph below.

Low dissolved oxygen/Organic enrichment

BOD₅ is used as a method to measure the amount of dissolved oxygen in the waste stream utilized by organisms during the decomposition of organic material over a five day period. Although this is an interim discharge, BOD₅ limits have been placed in the permit in accordance with 40 CFR Part 445. This will indicate where oxygen demand in the effluent is relative to the national guidelines. (A high BOD₅ will indicate a high oxygen demand and low levels of oxygen in the effluent.) A reopener clause will be established in the permit to allow for the requirement of more stringent effluent limitations and requirements by a TMDL.

VI. ENDANGERED SPECIES:

The receiving waterbody, Subsegment 041401 of the Lake Ponchartrain Basin, is not listed in Section II.2 of the Implementation Strategy as requiring consultation with the U.S. Fish and Wildlife Service (FWS). This strategy was submitted with a letter dated September 29, 2006 from Watson (FWS) to Brown (LDEQ). Therefore, in accordance with the Memorandum of Understanding between the LDEQ and FWS, no further informal (Section 7, Endangered Species Act) consultation is required. It was determined that the issuance of the LPDES permit is not likely to have an adverse effect on any endangered or candidate species of the critical habitat. The effluent limitations established in the permit ensure protection of aquatic life and maintenance of the receiving water as aquatic habitat.

VII. HISTORIC SITES:

The discharge is from an existing facility location, which does not include an expansion beyond the existing perimeter. Therefore, there should be no potential effect to sites or properties on or eligible for listing on the National Register of Historic Places, and in accordance with the 'Memorandum of Understanding for the Protection of Historic Properties in Louisiana Regarding LPDES Permits' no consultation with the Louisiana State Historic Preservation Officer is required.

VIII. PUBLIC NOTICE:

Upon publication of the public notice, a public comment period shall begin on the date of publication and last for at least 30 days thereafter. During this period, any interested persons may submit written comments on the draft permit modification and may request a public hearing to clarify issues involved in the permit decision at this Office's address on the first page of the statement of basis. A request for a public hearing shall be in writing and shall state the nature of the issues proposed to be raised in the hearing.

Public notice published in:

Local newspaper of general circulation

Office of Environmental Services Public Notice Mailing List

For additional information, contact:

Mrs. Angela Marse
Permits Division
Department of Environmental Quality
Office of Environmental Services
P. O. Box 4313
Baton Rouge, Louisiana 70821-4313

IX. PROPOSED PERMIT LIMITS:

Interim Effluent Limits:

OUTFALL 001

The facility is a construction and demolition debris landfill. According to Solid Waste Regulations construction and demolition debris (C&D) is defined as nonhazardous waste generally considered not water-soluble, including but not limited to metal, concrete, brick, asphalt, roofing material, or lumber from a construction or demolition project. The definition does not include friable asbestos-contaminated waste, white goods, furniture, trash, or treated lumber. As a result of Hurricane Katrina, the Department issued a series of Declaration of Emergency and Administrative Orders. The Fifth Declaration of Emergency and Administrative Order was issued on March 31, 2006. The definition of construction and demolition debris was expanded to include

- Sheet rock, plaster, and other building or structural materials;
- Furniture, carpet, and painted or stained lumber contained in the demolished buildings;
- The incidental admixture of construction and demolition debris with asbestos-contaminated waste. (i.e., incidental asbestos-contaminated debris that cannot be extracted from the demolition debris) and
- Yard waste and other vegetative matter.
- White goods and putrescible waste shall not be disposed in a construction and demolition debris landfill, but segregated and transported to a Department approved staging area for management, recycling and/or disposal at a permitted Type II Landfill.

The facility has been accepting waste under the Fifth Amended Declaration of Emergency and Administrative Order. The facility applied for the General Permit LAG780000 (Construction/Demolition Debris Landfill General Permit). However, the general permit is expired and the facility has a white goods storage area on-site. Therefore, an individual permit is proposed for this facility. Until the permit is issued, the facility will continue to operate under the Fifth Amended Declaration of Emergency and Administrative Order.

Construction/demolition debris enters the facility and is screened for non-acceptable materials. Acceptable material is taken to the working phase and land filled. Non-acceptable waste is rejected or stored in covered roll-off boxes until disposal off-site (at least every seven days). (No liquid waste is disposed of at the facility.) Interim cover soils are continually placed over the waste. (Attachment 1, page1)(Attachment 1, page 3 says weekly, interim, and final cover).

A closed sanitary landfill exists at the site. The Gentilly Landfill (Type III) will be constructed over the existing landfill. The cover for the sanitary landfill will serve as the liner for the Type III Landfill.

Stormwater will be managed through a berm system. The system is designed to have an interior berm to capture contact stormwater. Only non-contact stormwater will be discharged. At this time, the system is not complete. Therefore, it is proposed the facility monitor effluent parameters found at 40 CFR, Part 445, Effluent Limitations Guidelines, Pretreatment Standards, and New Source Performance Standards for the Landfills Point Source Category. When the ditch system is complete and LDEQ has approved via inspection and sampling results indicate that no contact stormwater is discharged, final effluent limitations will become effective. These limits are based on the Multi – Sector General Permit, Sector L. These limits are similar to those found in the General Permit for construction and demolition debris landfills (LAG78000).

According to the application, periodic inspections of cover material and run-off control berms will occur to reduce the mixing of stormwater that has contacted debris and stormwater that has not. Visual inspections of storm water entering run-off control berms and the perimeter ditch system will occur for the presence of non-stormwater discharges by noting characteristics including color, sheen, odor, turbidity and the presence of debris.

Interim limits shall become effective on the effective date of the permit and expire upon completion of construction of the ditch system and LDEQ approval.

Effluent Characteristic	Monthly Avg.	Daily Max.	Basis
BOD ₅	37 mg/l	140 mg/l	Effluent Limitations Guidelines, Pretreatment Standards, and New Source Performance Standards for Landfills Point Source Category.
TSS	27 mg/l	88 mg/l	Effluent Limitations Guidelines, Pretreatment Standards, and New Source Performance Standards for Landfills Point Source Category.
TOC	---	50 mg/l	BPJ based on the Multi-Sector General Permit, Sector L. (May, 2006)
Oil & grease	---	15 mg/l	BPJ based on the Multi-Sector General Permit, Sector L. (May, 2006)
Total Recoverable Iron		1.0 mg/l	BPJ based on the Multi-Sector General Permit, Sector L. (May, 2006)
Ammonia-Nitrogen	4.9 mg/l	10 mg/l	Effluent Limitations Guidelines, Pretreatment Standards, and New Source Performance Standards for Landfills Point Source Category.
a-Terpineol	0.016 mg/l	0.033 mg/l	Effluent Limitations Guidelines, Pretreatment Standards, and New Source Performance

Effluent Characteristic	Monthly Avg.	Daily Max.	Basis
			Standards for Landfills Point Source Category.
Benzoic Acid	0.071 mg/l	0.12 mg/l	Effluent Limitations Guidelines, Pretreatment Standards, and New Source Performance Standards for Landfills Point Source Category.
p-Cresol	0.014 mg/l	0.025 mg/l	Effluent Limitations Guidelines, Pretreatment Standards, and New Source Performance Standards for Landfills Point Source Category.
Phenol	0.015 mg/l	0.026 mg/l	Effluent Limitations Guidelines, Pretreatment Standards, and New Source Performance Standards for Landfills Point Source Category.
Zinc	0.11 mg/l	0.2 mg/l	Effluent Limitations Guidelines, Pretreatment Standards, and New Source Performance Standards for Landfills Point Source Category.

*Concentration limits are used in accordance with LAC 33:IX.2709.F.1.b which states that mass limitations are not necessary when applicable standards and limitations are expressed in other units of measurement. LAC 33:IX.709.B references LAC 33:IX.711 which express BOD₅ and TSS in terms of concentration.

Other Effluent Limitations:

1) pH

According to LAC 33:IX.3705.A.1., POTW's must treat to at least secondary levels. Therefore, in accordance with LAC 33:IX.5905.C., the pH shall not be less than 6.0 standard units nor greater than 9.0 standard units at any time.

2) Solids and Foam

There shall be no discharge of floating solids or visible foam in other than trace amounts in accordance with LAC 33:IX.1113.B.7.

Final Effluent Limits

Final limits shall become effective upon the completion of the ditch system and LDEQ approval and expire on the expiration date of the permit.

Effluent Characteristic	Monthly Avg.	Daily Max.	Basis
TSS	---	100 mg/l	BPJ based on the Multi-Sector General Permit, Sector L. (May, 2006)
Total Recoverable Iron	---	1 mg/l	BPJ based on the Multi-Sector General Permit, Sector L. (May, 2006)
TOC	---	50 mg/l	BPJ based on the Multi-Sector General Permit, Sector L. (May, 2006)
Oil & grease	---	15 mg/l	BPJ based on the Multi-Sector General Permit, Sector L. (May, 2006)

*Concentration limits are used in accordance with LAC 33:IX.2709.F.1.b which states that mass limitations are not necessary when applicable standards and limitations are expressed in other units of measurement. LAC 33:IX.709.B references LAC 33:IX.711 which express BOD₅ and TSS in terms of concentration.

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There shall be no discharge of floating solids or visible foam in other than trace amounts in accordance with LAC 33:IX.1113.B.7.

X.

PREVIOUS PERMITS:

No previous permits issued.

XI. ENFORCEMENT AND SURVEILLANCE ACTIONS:

A) Inspections

A review of the files indicates the following most recent inspection performed for this facility.

Date – October 17, 2006
Inspector - LDEQ
Findings and/or Violations -

1. The facility sampled in April and used this information to submit March reports.
2. The facility exceeded TSS and Total Recoverable Iron limits.

B) Compliance and/or Administrative Orders

Gentilly Landfill Type III has been issued Administrative Orders to reflect changes in operations and changes due to Hurricane Katrina.

C) DMR Review

A review of the discharge monitoring reports for the period beginning January, 2006 through June, 2006 has revealed the following violations:

<u>Effluent Characteristic</u>	<u>Number of Violations</u>
TSS - (concentration)	2
Total Recoverable Iron	2

Sampling analyses indicated high TSS and total recoverable iron. The facility has expressed concern that stormwater runoff from other sites may commingle with their discharge in the ditch that goes to Almonaster Avenue and contribute to TSS and iron. To get a more representative sample, the facility has agreed to put a weir system at each outfall. Also, each outfall will be moved closer to the actual site and further from the ditch along Almonaster Avenue. Facility representatives also expressed concern over background iron levels contributing to high iron concentrations. At this time, the Department does not factor background levels into these types of permits. Relocating outfalls and completing the ditch system will give a better indication of the quality of Gentilly Landfill's effluent discharge.

XII. ADDITIONAL INFORMATION:

Please be aware that the Department will be conducting a TMDL in the Lake Ponchartrain Basin scheduled for completion in 2011. The Department of Environmental Quality reserves the right to impose more stringent discharge limitations and/or additional restrictions as a result of the TMDL. Therefore, prior to upgrading or expanding this facility, the permittee should contact the Department to determine the status of the work being done to establish future effluent limitations and additional permit conditions.

A site visit was conducted to Gentilly Landfill on November 14, 2006 by OES Permits personnel. Observations are discussed below. As a result of the site visit and follow-up meeting with OEC Surveillance and Compliance, a Compliance Inspection was conducted. A decision was made to move forward with the issuance of an administrative order until coverage could be obtained under an individual permit.

- * White goods are stored on the property. This can not be covered by the general permit.
- *There is no flow control structure to measure flow or collect a representative sample.
- *They were excavating the ditch along the western perimeter. Discussions with facility representative indicated plans are to construct a ditch system to separate contact stormwater from non-contact stormwater. The excavated material is being placed in the landfill for disposal and the ditch is being lined with material from off-site.

A conference call was held between LDEQ personnel and Gentilly representatives on November 30, 2006. The two most significant items discussed from a water stand point were the installation of a flow control structure and the perimeter ditch system. Both parties agreed upon the necessity for such a structure at the Gentilly site. Also, the excavation and lining of the ditch system and development of outfall 002 was estimated to be completed in the next 45 days.

At present, the **Monitoring Requirements, Sample Types, and Frequency of Sampling** as shown in the permit are standard for construction and demolition debris facilities.

The requirements of Part II, Section B apply to stormwater discharges associated with industrial activity as defined at LAC 33:IX.2511.B.14.i and Sector L of the LDPES Multi-Sector Stormwater Permit LAR5000. These requirements apply to point source stormwater discharges associated landfills. Therefore, Gentilly Landfill Type III will also be required to develop a Stormwater Pollution Prevention Plan to be effective six months from the effective date of the permit.

Compliance Schedule

The permittee is in the process of constructing a ditch system to separate contact stormwater and non-contact stormwater. Interim limits and a compliance schedule are proposed so the permittee can finish construction of the ditch system. The permittee shall achieve compliance with the INTERIM AND FINAL EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS as specified in accordance with the following schedule:

ACTIVITY	DATE
Achieve Interim Effluent Limits and Monitoring Requirements	Effective Date of the Permit
Achieve Final Effluent Limitations and Monitoring Requirements	Upon completion of construction of the ditch system and approval of LDEQ.

The permittee shall submit an annual progress report detailing activities to reconstruct and achieve compliance. The permittee shall confirm compliance with final effluent limitations by notifying the Department of Environmental Quality, Office of Environmental Compliance, Permit Compliance Unit in writing within 14 days after the corresponding date in the above compliance schedule.

XIII. TENTATIVE DETERMINATION:

On the basis of preliminary staff review, the Department of Environmental Quality has made a tentative determination to issue a permit for the discharge described in this Statement of Basis.

XIV. REFERENCES:

Louisiana Water Quality Management Plan / Continuing Planning Process, Vol. 8, "Wasteload Allocations / Total Maximum Daily Loads and Effluent Limitations Policy," Louisiana Department of Environmental Quality, 2005.

Louisiana Water Quality Management Plan / Continuing Planning Process, Vol. 5, "Water Quality Inventory Section 305(b) Report," Louisiana Department of Environmental Quality, 1998.

Louisiana Administrative Code, Title 33 - Environmental Quality, Part IX - Water Quality Regulations, Chapter 11 - "Louisiana Surface Water Quality Standards," Louisiana Department of Environmental Quality, 2004.

Louisiana Administrative Code, Title 33 - Environmental Quality, Part IX - Water Quality Regulations, Subpart 2 - "The LPDES Program," Louisiana Department of Environmental Quality, 2004.

Low-Flow Characteristics of Louisiana Streams, Water Resources Technical Report No. 22, United States Department of the Interior, Geological Survey, 1980.

Index to Surface Water Data in Louisiana, Water Resources Basic Records Report No. 17, United States Department of the Interior, Geological Survey, 1989.

LPDES Permit Application to Discharge Wastewater, City of New Orleans, Gentilly Landfill "Type III", November 10, 2003.

Site visit to Gentilly Landfill, November 14, 2006.

Additional information and diagrams, submitted December 14, 2006.

Additional information and diagram, submitted January 5, 2006.